

VZCZCXRO3166
OO RUEHQU
DE RUEHPU #1442/01 2401636
ZNY CCCCC ZZH
O 281636Z AUG 07
FM AMEMBASSY PORT AU PRINCE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6766
INFO RUEHZH/HAITI COLLECTIVE
RUEHBR/AMEMBASSY BRASILIA 1623
RUEHSA/AMEMBASSY PRETORIA 1441
RUCOWCV/CCGDSEVEN MIAMI FL
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL
RUEATRS/DEPT OF TREASURY WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 PORT AU PRINCE 001442

SIPDIS

SIPDIS

E.O. 12958: DECL: 08/27/2017
TAGS: [HA](#) [KDEM](#) [PGOV](#) [PREL](#) [UNSC](#)
SUBJECT: HAITIAN SENATE BALKS AT CORRUPTION INVESTIGATIONS

REF: A. PORT AU PRINCE 1345

[1](#)B. PORT AU PRINCE 950

PORT AU PR 00001442 001.2 OF 002

Classified By: Ambassador Janet A. Sanderson for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary. The latest of a string of controversial investigations by Haiti's zealous anti-corruption chief prosecutor, Claudy Gassant, produced a thus far empty threat from the Senate August 22 to take a no-confidence vote in the Alexis government. After Gassant summoned prominent businessman Reginald Boulos for questioning, the Senate summoned Minister of Justice Rene Magloire on August 22 to explain the prolonged detention of other high profile members of the private sector. Angered that Gassant refused to appear before the Senate for questioning, the Senate threatened to call a vote of no confidence against the entire government of Prime Minister Alexis. Although the Senate backed off on its threat when businessman Boulos was apparently cleared, the government remains vulnerable and legislative-executive relations remain tense. Many Senators themselves may be involved in illegal business (including drug trafficking) and likely feel threatened by prosecutor Gassant's aggressive investigations. Their exploitation of the generous provisions in Haiti's constitution for interpellation of government ministers illustrates the precarious position of PM Alexis. Although the probability of the Alexis government falling at this time is low, we will see further attacks on individual Ministers before Parliament goes into recess in mid-September. End Summary.

[1](#)2. (U) Chief prosecutor Claudy Gassant on August 17 issued a summons to prominent businessman and former president of Haiti's Chamber of Commerce and Industry Reginald Boulos to answer questions August 23 about "'smuggling, corruption, and extortion of public Customs officials.'" The summons caused alarm in the business community, which has been targeted by Gassant in the Cine and Brandt cases, all of whom remain in preventive detention after their summons by Gassant last May and July respectively (reftels). Seeking an explanation of the succession of summons and arrests of business leaders, a group of senators including Rudolph Boulos, brother of Reginald Boulos, summoned Minister of Justice and Public Security Rene Magloire to testify August 22. Led by Justice and Security Committee Chairman Senator Youri Latortue, Senators accused Gassant, who is under Minister Magloire's authority, of investigating private sector leaders in a legally questionable manner and overstepping his authority by keeping individuals in preventive detention for long periods without charge. The Justice Committee enjoined Minister

Magloire to order Gassant to come to the Senate immediately to answer questions. Still in the Senate chamber, Minister Magloire phoned Gassant and asked him to come to the Senate, but Gassant refused. Enraged by this insubordination, Senators adopted a resolution giving Magloire 24 hours to either make Gassant appear or to fire him, failing which the Senate resolved to interpellate Prime Minister Alexis and his entire government for a possible vote of no confidence.

13. (U) Many expected Gassant to haul Boulos off to jail immediately after the August 23 questioning. However, Boulos emerged from his grilling still a free man, telling the press that he had answered all questions to the prosecutor's satisfaction, who Boulos said had conducted the interrogation in a 'professional' manner. Boulos and his lawyers claimed Boulos has been fully cleared. These public reassurances have apparently calmed the Senate for now, which did not follow through on its threat to summon PM Alexis, even though Gassant has yet to answer questions before the Senate.

14. (C) Embassy sources say that a strict interpretation of the law shows that Gassant was not legally required to appear. Haiti's constitution empowers the Senate and Chamber of Deputies to interpellate Ministers but not to summon directly other government officials. A minister may order a subordinate in writing to accompany him to a parliamentary hearing, but Magloire communicated the order by telephone. MINUSTAH Director of Political Affairs Gerardo Le Chevalier told PolCouns August 24 that President Preval earlier in the week had convoked Reginald Boulos to a private meeting with Gassant, and assured Boulos that his questioning by Gassant would not be followed by his arrest. The outcome of this behind-the-scenes deal appears to have kept the Senate at bay for the moment.

15. (C) Le Chevalier believes this episode may have been part

PORT AU PR 00001442 002.2 OF 002

of a tactic by President Preval, in advance of his meeting August 24 with various national Chambers of Commerce, to intimidate the private sector into agreeing to clean up its business practices as part of Preval's anti-corruption campaign. In any case, SRS Edmond Mulet, in his August 23 address marking the end of his mission in Haiti, came out unequivocally in support of the government. He warned legislators to take care that they not be perceived to be defending corruption and drug trafficking. He placed MINUSTAH firmly on the side of the Government of Haiti's 'project to establish the rule of law,' and urged the legislature and executive to work 'in concert' for the benefit of Haiti. This provoked angry retorts from several Senators across the political spectrum, including Senate President Lambert, accusing Mulet of 'arrogance' and contempt for parliament.

16. (C) Comment: The incident spotlights the shaky ground on which the Alexis government -- and Preval's anti-corruption campaign -- rest. Many Senators -- especially Senate Justice and Security Committee Chairman Youri Latortue -- are credibly believed to have links to illegal business up to and including drug trafficking. Claudy Gassant's corruption investigations may one day threaten such activities. Gassant's personal qualities only serve to inflame Senators' tempers: he travels around Port-au-Prince with a phalanx of bodyguards, at times participates personally in the apprehension of suspects, displays public contempt for his nominal ministerial superior, and has boasted publicly that he answers only to President Preval. At the same time, he is recognized as an aggressive prosecutor whose investigations of high-profile private sector leaders enjoy broad public support. The fact that Preval stands behind Gassant is another finger in the eye of the Senate and many of its leaders, whether corrupt or not. President Preval will have to deploy the full range of his tactical skills to maneuver his government and his corruption campaign through the shoals

of legislative opposition. End comment
SANDERSON